

May 29, 2003

CLARIFICATIONS TO EXISTING REGULATIONS REDUCING EMISSIONS OF TOXIC AIR POLLUTANTS

FACT SHEET

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is amending a series of its regulations that control toxic air emissions. Toxic air pollutants, or air toxics, are known or suspected of causing cancer or other serious health effects.
- Today's rulemaking revises EPA's national standards for emissions of toxic air pollutants from industrial sources. These amendments clarify which discretionary authorities contained in each regulation can be delegated to state, local, and tribal air pollution control agencies (S/L/Ts).
- Discretionary authorities are certain regulatory requirements, such as when to submit compliance reports or approval of minor monitoring changes. Under the Clean Air Act, the approval of some of these authorities can be delegated to S/L/Ts. For example, when an industry seeks to change their schedule for submitting compliance reports, today's rulemaking clarifies that the S/L/Ts can either approve or disapprove their request. However, other regulatory requirements, such as approving alternative emission standards, must be retained by EPA and cannot be delegated.
- EPA is issuing this rule to make the delegation provisions in all national air toxics regulations consistent. Delegation provisions are sections of the regulations spelling out discretionary authorities that can be delegated. See the Attachment for a list of the standards being revised in today's rulemaking. Recently issued standards include corrected delegation provisions.
- Today's rule will also make the delegation provisions in all national air toxics rules consistent with EPA's "General Provisions." The general provisions (1) are requirements and authorities that are common to each air toxics standard and (2) provide regulatory language for EPA to use, such as general air pollution monitoring requirements, that are common to a variety of emission standards.
- EPA developed today's rulemaking in response to S/L/T concerns regarding the uncertainty of delegated national emission standard authorities. Specifically, who has the authority to approve or disapprove source-specific alternatives to air toxic requirements.
- Today's rulemaking would either add an implementation and delegation paragraph to or modify the existing implementation and delegation paragraph contained in each national air toxics regulation.

BACKGROUND

- Under the Clean Air Act , EPA is required to regulate emissions of 188 listed toxic air pollutants. On July 16, 1992, EPA published a list of industrial source categories that emit one or more of these air toxics. For listed categories of "major" sources (those that emit 10 tons annually or more of a listed pollutant or 25 tons or more of a combination of pollutants), the Act requires EPA to develop national emission standards requiring the specified industrial source category to apply stringent air pollution reduction measures known as maximum achievable control technology.
- Since the Clean Air Act Amendments of 1990, EPA has promulgated most of the air toxics standards. The Agency expects to have the remaining emission standards promulgated by 2004. The newer emission standards will have updated delegation provisions and will not require the of revisions included in today's rulemaking.

FINAL RULE REQUIREMENTS

- In some cases, a specific facility would like to use a alternate approach, to monitor emissions or to demonstrate compliance (discretionary authorities), than what is required in the applicable air toxic regulation. The source would need to contact either the EPA or the S/L/T to determine whether their alternative approach is acceptable. Currently, it is not clear in each existing air toxic rule who has the authority to approve or disapprove these kind of alternatives.
- A specific example of a discretionary authority that can be delegated is "notification of initial compliance status" which requires a source to submit a report discussing whether it is complying with all the requirements of the national emission standard for Primary Aluminum Reduction Plants. A source may request to submit this information in their operating permit application rather than a separate report known as an initial compliance status notification. Today's rulemaking clarifies that the appropriate S/L/T would have the authority to either approve or disapprove this request.
- In order to receive EPA approval to exercise these discretionary authorities, the S/L/Ts would have to seek delegation of each national emission standard through the delegation process defined by the Clean Air Act.

BENEFITS AND COST

- Today's rulemaking contains amendments to each national emission standard ensuring that required air toxic emission reductions will occur, while providing state, local, and tribal air pollution control agencies greater flexibility; without additional cost or process.

- Today's rulemaking would also benefit industry in several ways. For example, this rulemaking will clarify which agency (S/L/Ts or federal) they need to contact when seeking approval of alternative requirements. In many cases, industry will be dealing with state, local, and tribal air pollution control agencies with whom they have more contact and routine interaction than with the federal government.

FOR FURTHER INFORMATION

- Interested parties can download today's rulemaking from EPA's web site on the Internet under "recent actions" at the following address: <http://www.epa.gov/ttn/oarpg>. For further information about today's rulemaking, contact Tom Driscoll of EPA's Office of Air Quality Planning and Standards at (919) 541-5135.
- EPA's Office of Air and Radiation's home page on the Internet contains a wide range of information on the air pollution programs including air toxics issues. The Office of Air and Radiation's home page address is: <http://www.epa.gov/oar/>.

Standards Affected by this Rulemaking

Subpart F	National Emission Standards for Organic Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry
Subpart G	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
Subpart H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
Subpart I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart L	National Emission Standards for Coke Oven Batteries
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart N	National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
Subpart O	Ethylene Oxide Emissions Standards for Sterilization Facilities
Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Cooling Towers
Subpart R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
Subpart S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
Subpart T	National Emission Standards for Halogenated Solvent Cleaning
Subpart U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Subpart W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
Subpart X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting

Subpart Y	National Emission Standards for Marine Tank Vessel Loading Operations
Subpart AA	National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants
Subpart BB	National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants
Subpart CC	National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries
Subpart DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
Subpart EE	National Emission Standards for Magnetic Tape Manufacturing Operations
Subpart GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
Subpart HH	National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities
Subpart II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
Subpart JJ	National Emission Standards for Wood Furniture Manufacturing Operations
Subpart KK	National Emission Standards for the Printing and Publishing Industry
Subpart LL	National Emission Standards for Hazardous Air Pollutants from Primary Aluminum Reduction Plants
Subpart OO	National Emission Standards for Tanks- Level 1
Subpart PP	National Emission Standards for Containers
Subpart QQ	National Emission Standards for Surface Impoundments
Subpart RR	National Emission Standards for Individual Drain Systems
Subpart VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
Subpart CCC	National Emission Standards for Hazardous Air Pollutants from Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants

- Subpart DDD National Emission Standards for Hazardous Air Pollutants from Mineral Wool Production
- Subpart EEE National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors
- Subpart GGG National Emission Standards for Pharmaceuticals Production
- Subpart HHH National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities
- Subpart III National Emission Standards for Hazardous Air Pollutants from Flexible Polyurethane Foam Production
- Subpart JJJ National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
- Subpart LLL National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry
- Subpart MMM National Emission Standards for Hazardous Air Pollutants from Pesticide Active Ingredient Production
- Subpart NNN National Emission Standards for Hazardous Air Pollutants from Wool Fiberglass Manufacturing
- Subpart OOO National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins
- Subpart PPP National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production
- Subpart RRR National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production
- Subpart TTT National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
- Subpart VVV National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works (POTW)
- Subpart XXX National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese